

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

Adams

OFFICE OF
MANAGING DIRECTOR

MAR 15 2006

Michael J. Walsh, Jr., Esq.
O'Melveny & Myers LLP
1625 Eye Street, N.W.
Washington, D.C. 20006-4001

Re: US Airways, Inc.
Application Fees Waiver Request
Fee Control No. 050815994101001

Dear Mr. Walsh:

We have reviewed the September 2, 2005, petition, submitted on behalf of US Airways, Inc. ("Assignee") for a waiver of the application fees for assignment of various wireless licenses in connection with the Assignee's restructuring pursuant to its emergence from Chapter 11 Bankruptcy protection Petition. Our records reflect that you have paid application fees in the amount of \$10,510.00. For the reasons set forth below, we grant your request for waiver of the application fees.

In your Petition, you state that US Airways Group, Inc. ("Parent") and four of its wholly owned subsidiaries (including Assignee US Airways, Inc.) filed voluntary petitions for bankruptcy in the United States Bankruptcy Court, Eastern District of Virginia on September 12, 2004.¹ Pursuant to these filings, the Parent and subsidiaries were converted to "debtors-in-possession." The debtors-in-possession (other than MSC) were involuntarily assigned the various wireless licenses used by the Parent and subsidiaries in connection with their operation as commercial airlines, when they filed for Chapter 11 protection.² Assignee US Airways, Inc. seeks a waiver of the assignment application fees associated with its emergence from Chapter 11 Bankruptcy protection.³

Section 1.1117 of the Commission's rules, 47 C.F.R. §1.1117, provides that filing fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby.⁴ We find that the September 12, 2004 Bankruptcy Court filing

¹ See *In re US Airways Group, Inc., et al., Debtors*, Chapter 11 Case No. 04-13819-23 (SSM), Hon. Stephen S. Mitchell, Jointly Administered, United States Bankruptcy Court, Eastern District of Virginia. The entities that filed bankruptcy documents that gave them Debtor-in Possession status were (1) US Airways Group, Inc., ("Parent"), (2) US Airways, Inc., ("Assignee"), (3) Piedmont Airlines, Inc., (4) PSA Airlines, Inc., and (5) Material Services Company, Inc. ("MSC"). MSC does not hold any FCC licenses. See *Petition at 1*.

² *Petition at 2*.

³ *Id at 1*.

⁴ See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 5 FCC Rcd 3558, 3572-73 (1990).

Michael J. Walsh, Jr., Esq.

2.

substantiates the claim of financial hardship by the Assignee US Airways, Inc. and demonstrates good cause for waiver of the filing fees.⁵ Therefore, your request for waiver of the US Airways, Inc. application for filing fees associated with assignment of its wireless authorizations is granted.

Pursuant to the waiver, US Airways, Inc. is entitled to reimbursement of the previously paid fee of \$10,510.00. A check, made payable to the maker of the original check, and drawn in the amount of \$10,510.00, will be sent to you at the earliest practicable time.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



 Mark A. Reger
Chief Financial Officer

⁵ See *MobileMedia Corporation*, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee).

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O'MELVENY & MYERS LLP

BEIJING
BRUSSELS
CENTURY CITY
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September 2, 2005

SEP - 2 2005

OUR FILE NUMBER
882,606-019

BY HAND DELIVERY

Andrew S. Fischel
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Federal Communication Commission
Bureau / Office

WRITER'S DIRECT DIAL
(202) 383-5280

WRITER'S E-MAIL ADDRESS
mwalsh@omm.com

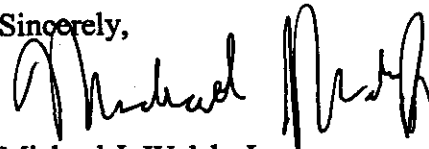
Re: **US Airways, Inc. Petition for Waiver of Application Fees Associated
with Application File No. 0002273140**

Dear Mr. Fishel:

On behalf of US Airways, Inc. ("US Airways"), we hereby submit and original and four (4) copies of the enclosed petition requesting a waiver of the fee requirements of §§ 1.1102 and 1.1117(e) of the Commission's Rules. USAirways DIP respectfully requests that this waiver request be reviewed in association with the above-referenced application.

It is respectfully requested that you stamp the receive date on the enclosed copy marked "Stamp and Return" and return it to us for our files. Please contact the undersigned should any questions arise concerning this submission.

Sincerely,



Michael J. Walsh, Jr.
for O'MELVENY & MYERS LLP

Counsel to US Airways, Inc.

Enclosure

cc: Jeffrey Tobias (via email)

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of

US AIRWAYS, INC.

Petition for Waiver of §1.1102 of the
Commission's Rules in Connection with
Application Filing Fees Associated with
Assignments for Various Wireless Licenses
Pursuant to §1.1117 of the Commission's Rules

File No. 0002273140

To: Office of Managing Director

**PETITION FOR
WAIVER/REFUND OF APPLICATION FILING FEES**

US Airways, Inc., ("Assignee"), pursuant to §1.1117 of the Federal Communications Commission's ("Commission") Rules and by its attorneys, hereby seeks a waiver of 47 C.F.R. §1.1102, which requires the payment of application filing fees in connection with the above referenced application for assignment of licenses in connection with US Airway's Inc., Debtor-in-Possession's ("Licensee") restructuring as a part of its emergence from Chapter 11 Bankruptcy protection ("Application"). See Exhibit 1. In order to assure prompt processing of the Application, Licensee has paid the filing fees in connection with the application, in the amount of \$10,510.00, and presently requests that the Commission issue a refund of such fees to Licensee. Licensee obtained its licenses through an involuntary assignment resulting from Assignee's filing for Chapter 11 bankruptcy protection.



RAMIS ACCOUNT RECEIVABLES

Receipt Processing Voucher

Header Details :

Fee Control Number : 0508158994101001

Customer FRN : 0002107753

Customer Name : US Airways, Inc.

CD Number : 561315 Date Received : 8/12/05

Type Collection : FEE CD Date : 8/15/05

Payment Type : CHECK Transaction Date : 8/12/05

Receipt Amount : \$10,510.00

Payer Details :

Payer FRN : 0002107753

Payer Name : US AIRWAYS INC

Payer TIN :

Address : 5630 UNIVERSITY PARKWAY
WINSTON SALEM NC 27105

Check No : 001002499600

Credit Card No : 0000000000000000

Transit Routing : 043301627

Line Details :

Seq	Applicant FRN	Applicant Name	App. TIN	Call Sign	Fcc Code 1	Fcc Code 2	PTC	Qty	Applied Amt
1	0007804156	US AIRWAYS INC		WLX6		0002273140	PBVM	1	\$105.00
2	0007804156	US AIRWAYS INC		KFU435		0002273140	PALM	1	\$55.00
3	0007804156	US AIRWAYS INC		KJH558		0002273140	PALM	1	\$55.00
4	0007804156	US AIRWAYS INC		KJY411		0002273140	PALM	1	\$55.00
5	0007804156	US AIRWAYS INC		KLS876		0002273140	PALM	1	\$55.00
6	0007804156	US AIRWAYS INC		KOA880		0002273140	PALM	1	\$55.00
7	0007804156	US AIRWAYS INC		KQQ578		0002273140	PALM	1	\$55.00
8	0007804156	US AIRWAYS INC		KRC253		0002273140	PALM	1	\$55.00
9	0007804156	US AIRWAYS INC		KVC858		0002273140	PALM	1	\$55.00
10	0007804156	US AIRWAYS INC		KVE215		0002273140	PALM	1	\$55.00
11	0007804156	US AIRWAYS INC		KVQ218		0002273140	PALM	1	\$55.00
12	0007804156	US AIRWAYS INC		KXA741		0002273140	PALM	1	\$55.00
13	0007804156	US AIRWAYS INC		WQK413		0002273140	PALM	1	\$55.00
14	0007804156	US AIRWAYS INC		WSZ342		0002273140	PALM	1	\$55.00
15	0007804156	US AIRWAYS INC		WSZ424		0002273140	PALM	1	\$55.00
16	0007804156	US AIRWAYS INC		WYJ240		0002273140	PALM	1	\$55.00
17	0007804156	US AIRWAYS INC		WYX801		0002273140	PALM	1	\$55.00
18	0007804156	US AIRWAYS INC		KA5101		0002273140	PBVM	1	\$105.00



RAMIS ACCOUNT RECEIVABLES

Seq	Applicant FRN	Applicant Name	App. TIN	Call Sign	Fcc Code 1	Fcc Code 2	PTC	Qty	Applied Amt
19	0007804156	US AIRWAYS INC		KD8375		0002273140	PBVM	1	\$105.00
20	0007804156	US AIRWAYS INC		KL5277		0002273140	PBVM	1	\$105.00
21	0007804156	US AIRWAYS INC		KL6219		0002273140	PBVM	1	\$105.00
22	0007804156	US AIRWAYS INC		KM7561		0002273140	PBVM	1	\$105.00
23	0007804156	US AIRWAYS INC		KN7685		0002273140	PBVM	1	\$105.00
24	0007804156	US AIRWAYS INC		KP4797		0002273140	PBVM	1	\$105.00
25	0007804156	US AIRWAYS INC		KP5840		0002273140	PBVM	1	\$105.00
26	0007804156	US AIRWAYS INC		KP5880		0002273140	PBVM	1	\$105.00
27	0007804156	US AIRWAYS INC		KP6225		0002273140	PBVM	1	\$105.00
28	0007804156	US AIRWAYS INC		KP6226		0002273140	PBVM	1	\$105.00
29	0007804156	US AIRWAYS INC		KP6267		0002273140	PBVM	1	\$105.00
30	0007804156	US AIRWAYS INC		KQ6938		0002273140	PBVM	1	\$105.00
31	0007804156	US AIRWAYS INC		KX7615		0002273140	PBVM	1	\$105.00
32	0007804156	US AIRWAYS INC		KB33417		0002273140	PALM	1	\$55.00
33	0007804156	US AIRWAYS INC		KB75532		0002273140	PALM	1	\$55.00
34	0007804156	US AIRWAYS INC		KB79566		0002273140	PALM	1	\$55.00
35	0007804156	US AIRWAYS INC		KB82806		0002273140	PALM	1	\$55.00
36	0007804156	US AIRWAYS INC		KB85121		0002273140	PALM	1	\$55.00
37	0007804156	US AIRWAYS INC		KB90350		0002273140	PALM	1	\$55.00
38	0007804156	US AIRWAYS INC		KD20368		0002273140	PALM	1	\$55.00
39	0007804156	US AIRWAYS INC		KD22992		0002273140	PALM	1	\$55.00
40	0007804156	US AIRWAYS INC		KD22993		0002273140	PALM	1	\$55.00
41	0007804156	US AIRWAYS INC		KD24710		0002273140	PALM	1	\$55.00
42	0007804156	US AIRWAYS INC		KD35181		0002273140	PALM	1	\$55.00
43	0007804156	US AIRWAYS INC		KNAU720		0002273140	PALM	1	\$55.00
44	0007804156	US AIRWAYS INC		KNBB568		0002273140	PALM	1	\$55.00
45	0007804156	US AIRWAYS INC		KNDJ269		0002273140	PALM	1	\$55.00
46	0007804156	US AIRWAYS INC		KNFC383		0002273140	PALM	1	\$55.00
47	0007804156	US AIRWAYS INC		KNFR781		0002273140	PALM	1	\$55.00
48	0007804156	US AIRWAYS INC		KNY554		0002273140	PALM	1	\$55.00



RAMIS ACCOUNT RECEIVABLES

Seq	Applicant FRN	Applicant Name	App. TIN	Call Sign	Fcc Code 1	Fcc Code 2	PTC	Qty	Applied Amt
49	0007804156	US AIRWAYS INC		KNIIY931		0002273140	PALM	1	\$55.00
50	0007804156	US AIRWAYS INC		KNIIY932		0002273140	PALM	1	\$55.00
51	0007804156	US AIRWAYS INC		KNNN368		0002273140	PALM	1	\$55.00
52	0007804156	US AIRWAYS INC		WNDB502		0002273140	PALM	1	\$55.00
53	0007804156	US AIRWAYS INC		WNDB506		0002273140	PALM	1	\$55.00
54	0007804156	US AIRWAYS INC		WNFR358		0002273140	PALM	1	\$55.00
55	0007804156	US AIRWAYS INC		WNGP363		0002273140	PALM	1	\$55.00
56	0007804156	US AIRWAYS INC		WNHF824		0002273140	PALM	1	\$55.00
57	0007804156	US AIRWAYS INC		WNIA738		0002273140	PALM	1	\$55.00
58	0007804156	US AIRWAYS INC		WNID666		0002273140	PALM	1	\$55.00
59	0007804156	US AIRWAYS INC		WNII773		0002273140	PALM	1	\$55.00
60	0007804156	US AIRWAYS INC		WNIN748		0002273140	PALM	1	\$55.00
61	0007804156	US AIRWAYS INC		WNKS260		0002273140	PALM	1	\$55.00
62	0007804156	US AIRWAYS INC		WNLZ660		0002273140	PALM	1	\$55.00
63	0007804156	US AIRWAYS INC		WNMF953		0002273140	PALM	1	\$55.00
64	0007804156	US AIRWAYS INC		WNMR833		0002273140	PALM	1	\$55.00
65	0007804156	US AIRWAYS INC		WNMY268		0002273140	PALM	1	\$55.00
66	0007804156	US AIRWAYS INC		WNPQ472		0002273140	PALM	1	\$55.00
67	0007804156	US AIRWAYS INC		WNQK533		0002273140	PALM	1	\$55.00
68	0007804156	US AIRWAYS INC		WNRS623		0002273140	PALM	1	\$55.00
69	0007804156	US AIRWAYS INC		WNUH995		0002273140	PALM	1	\$55.00
70	0007804156	US AIRWAYS INC		WNUI657		0002273140	PALM	1	\$55.00
71	0007804156	US AIRWAYS INC		WNUI660		0002273140	PALM	1	\$55.00
72	0007804156	US AIRWAYS INC		WNUJ513		0002273140	PALM	1	\$55.00
73	0007804156	US AIRWAYS INC		WNV D591		0002273140	PALM	1	\$55.00
74	0007804156	US AIRWAYS INC		WNV D594		0002273140	PALM	1	\$55.00
75	0007804156	US AIRWAYS INC		WNV D595		0002273140	PALM	1	\$55.00
76	0007804156	US AIRWAYS INC		WNV I994		0002273140	PALM	1	\$55.00
77	0007804156	US AIRWAYS INC		WNV J356		0002273140	PALM	1	\$55.00
78	0007804156	US AIRWAYS INC		WNWT920		0002273140	PALM	1	\$55.00



RAMIS ACCOUNT RECEIVABLES

Seq	Applicant FRN	Applicant Name	App. TIN	Call Sign	Fcc Code 1	Fcc Code 2	PTC	Qty	Applied Amt
79	0007804156	US AIRWAYS INC		WNWU314		0002273140	PALM	1	\$55.00
80	0007804156	US AIRWAYS INC		WNXC273		0002273140	PALM	1	\$55.00
81	0007804156	US AIRWAYS INC		WNXC274		0002273140	PALM	1	\$55.00
82	0007804156	US AIRWAYS INC		WNYC542		0002273140	PALM	1	\$55.00
83	0007804156	US AIRWAYS INC		WNYX608		0002273140	PALM	1	\$55.00
84	0007804156	US AIRWAYS INC		WPAJ275		0002273140	PALM	1	\$55.00
85	0007804156	US AIRWAYS INC		WPAX344		0002273140	PALM	1	\$55.00
86	0007804156	US AIRWAYS INC		WPBK691		0002273140	PALM	1	\$55.00
87	0007804156	US AIRWAYS INC		WPBN678		0002273140	PALM	1	\$55.00
88	0007804156	US AIRWAYS INC		WPBY829		0002273140	PALM	1	\$55.00
89	0007804156	US AIRWAYS INC		WPDP858		0002273140	PALM	1	\$55.00
90	0007804156	US AIRWAYS INC		WPDQ549		0002273140	PALM	1	\$55.00
91	0007804156	US AIRWAYS INC		WPDS307		0002273140	PALM	1	\$55.00
92	0007804156	US AIRWAYS INC		WPDS379		0002273140	PALM	1	\$55.00
93	0007804156	US AIRWAYS INC		WPGU765		0002273140	PALM	1	\$55.00
94	0007804156	US AIRWAYS INC		WPGW201		0002273140	PALM	1	\$55.00
95	0007804156	US AIRWAYS INC		WPGW206		0002273140	PALM	1	\$55.00
96	0007804156	US AIRWAYS INC		WPHD206		0002273140	PALM	1	\$55.00
97	0007804156	US AIRWAYS INC		WPJG229		0002273140	PALM	1	\$55.00
98	0007804156	US AIRWAYS INC		WPJG259		0002273140	PALM	1	\$55.00
99	0007804156	US AIRWAYS INC		WPKL905		0002273140	PALM	1	\$55.00
100	0007804156	US AIRWAYS INC		WPKQ354		0002273140	PALM	1	\$55.00
101	0007804156	US AIRWAYS INC		WPKQ356		0002273140	PALM	1	\$55.00
102	0007804156	US AIRWAYS INC		WPKV756		0002273140	PALM	1	\$55.00
103	0007804156	US AIRWAYS INC		WPKW273		0002273140	PALM	1	\$55.00
104	0007804156	US AIRWAYS INC		WPLP983		0002273140	PALM	1	\$55.00
105	0007804156	US AIRWAYS INC		WPMF275		0002273140	PALM	1	\$55.00
106	0007804156	US AIRWAYS INC		WPMF343		0002273140	PALM	1	\$55.00
107	0007804156	US AIRWAYS INC		WPMX269		0002273140	PALM	1	\$55.00
108	0007804156	US AIRWAYS INC		WPMZ768		0002273140	PALM	1	\$55.00



RAMIS ACCOUNT RECEIVABLES

Seq	Applicant FRN	Applicant Name	App. TIN	Call Sign	Fcc Code 1	Fcc Code 2	PTC	Qty	Applied Amt
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110	0007804156	US AIRWAYS INC		WPNU493		0002273140	PALM	1	\$55.00
111	0007804156	US AIRWAYS INC		WPQF999		0002273140	PALM	1	\$55.00
112	0007804156	US AIRWAYS INC		WPQG202		0002273140	PALM	1	\$55.00
113	0007804156	US AIRWAYS INC		WPRF708		0002273140	PALM	1	\$55.00
114	0007804156	US AIRWAYS INC		WPSF823		0002273140	PALM	1	\$55.00
115	0007804156	US AIRWAYS INC		WPSG712		0002273140	PALM	1	\$55.00
116	0007804156	US AIRWAYS INC		WPSG967		0002273140	PALM	1	\$55.00
117	0007804156	US AIRWAYS INC		WPSJ498		0002273140	PALM	1	\$55.00
118	0007804156	US AIRWAYS INC		WPTS651		0002273140	PALM	1	\$55.00
119	0007804156	US AIRWAYS INC		WPTS928		0002273140	PALM	1	\$55.00
120	0007804156	US AIRWAYS INC		WPTT578		0002273140	PALM	1	\$55.00
121	0007804156	US AIRWAYS INC		WPTX910		0002273140	PALM	1	\$55.00
122	0007804156	US AIRWAYS INC		WPUU210		0002273140	PALM	1	\$55.00
123	0007804156	US AIRWAYS INC		WPZJ565		0002273140	PALM	1	\$55.00
124	0007804156	US AIRWAYS INC		WQAW329		0002273140	PALM	1	\$55.00
125	0007804156	US AIRWAYS INC		KA97281		0002273140	PBVM	1	\$105.00
126	0007804156	US AIRWAYS INC		KA98399		0002273140	PBVM	1	\$105.00
127	0007804156	US AIRWAYS INC		KA98411		0002273140	PBVM	1	\$105.00
128	0007804156	US AIRWAYS INC		KA98419		0002273140	PBVM	1	\$105.00
129	0007804156	US AIRWAYS INC		WPUL538		0002273140	PBVM	1	\$105.00
130	0007804156	US AIRWAYS INC		WRLT2097		0002273140	PBVM	1	\$105.00
131	0007804156	US AIRWAYS INC		WRLT2143		0002273140	PBVM	1	\$105.00
132	0007804156	US AIRWAYS INC		WRLT4725		0002273140	PBVM	1	\$105.00
133	0007804156	US AIRWAYS INC		WRLT4726		0002273140	PBVM	1	\$105.00
134	0007804156	US AIRWAYS INC		WRLT4727		0002273140	PBVM	1	\$105.00
135	0007804156	US AIRWAYS INC		WRLT4728		0002273140	PBVM	1	\$105.00
136	0007804156	US AIRWAYS INC		WRLT4729		0002273140	PBVM	1	\$105.00
137	0007804156	US AIRWAYS INC		WRLT4730		0002273140	PBVM	1	\$105.00
138	0007804156	US AIRWAYS INC		WRLT4731		0002273140	PBVM	1	\$105.00



RAMIS ACCOUNT RECEIVABLES

Seq	Applicant FRN	Applicant Name	App. TIN	Call Sign	Fcc Code 1	Fcc Code 2	PTC	Qty	Applied Amt
139	0007804156	US AIRWAYS INC		WRLT4732		0002273140	PBVM	1	\$105.00
140	0007804156	US AIRWAYS INC		WRLT4734		0002273140	PBVM	1	\$105.00
141	0007804156	US AIRWAYS INC		WRLT4735		0002273140	PBVM	1	\$105.00
142	0007804156	US AIRWAYS INC		WRLT4760		0002273140	PBVM	1	\$105.00
143	0007804156	US AIRWAYS INC		WRLT4761		0002273140	PBVM	1	\$105.00
144	0007804156	US AIRWAYS INC		WRLT4764		0002273140	PBVM	1	\$105.00
145	0007804156	US AIRWAYS INC		WRLT4766		0002273140	PBVM	1	\$105.00
146	0007804156	US AIRWAYS INC		WRLT4776		0002273140	PBVM	1	\$105.00
147	0007804156	US AIRWAYS INC		WRLT4777		0002273140	PBVM	1	\$105.00
148	0007804156	US AIRWAYS INC		WRLT4778		0002273140	PBVM	1	\$105.00
149	0007804156	US AIRWAYS INC		WRLT4779		0002273140	PBVM	1	\$105.00
150	0007804156	US AIRWAYS INC		WRLT4780		0002273140	PBVM	1	\$105.00
151	0007804156	US AIRWAYS INC		WRLT4783		0002273140	PBVM	1	\$105.00
152	0007804156	US AIRWAYS INC		WRLT4964		0002273140	PBVM	1	\$105.00

Total : \$10,510.00

I. THE BANKRUPTCY

US Airways Group, Inc., ("Parent") filed voluntary petition forms along with four of its wholly owned subsidiaries for bankruptcy in the United States Bankruptcy Court, Eastern District of Virginia on September 12, 2004.¹ With these filings, the legal status of Parent and its subsidiaries was converted to "debtors-in-possession." The debtors-in-possession (other than MSC) were involuntarily assigned the various aircraft, aviation radio-navigation, aviation auxiliary group, and land mobile licenses used by Parent and its subsidiaries when they filed for Chapter 11 protection. These licenses were originally granted to Parent and its subsidiaries by the Commission in connection with their operations as commercial airlines. As Parent and its subsidiaries are now preparing to emerge from bankruptcy, Licensee and Assignee have filed the Application. The parties will file separate applications for special temporary authority to allow the restructured entities to continue to operate their aircraft licenses pending issuance of replacement licenses post-closing and will file the notification required with respect to its earth station license.

The Application was filed on August 11, 2005 and has been assigned file number 0002273140.

II. THE SECTION 1.1117 WAIVER IS IN THE PUBLIC INTEREST

Assignee requests that it not be required to pay the application filing fees that are associated with the Application and that, as such fees have previously been paid in order to assure prompt processing of the Application, such fees be refunded. Section 1.1117 of the Commission's Rules provides that application filing fees may be "waived or deferred in specific

¹ See *In re US Airways Group, Inc., et al., Debtors*, Chapter 11 Case No. 04-13819-23 (SSM), Hon. Stephen S. Mitchell, Jointly Administered, United States Bankruptcy Court, Eastern District of Virginia. The entities that filed bankruptcy documents that gave them Debtor-in-Possession status were (1) Parent, (2) Assignee, (3) Piedmont Airlines, Inc. ("Piedmont"), (4) PSA Airlines, Inc. ("PSA"), and (5) Material Services Company, Inc. ("MSC") (collectively "Debtors"). MSC does not hold any FCC licenses.

instances where good cause is shown and where waiver or deferral of the fee would promote the public interest.” 47 C.F.R. §1.1117(a). The Commission has previously granted a similar waiver request by the Licensee in connection with Parent’s August 2002 bankruptcy filing (*see* File No. 0001024997) and again in connection with Parent’s August 2004 bankruptcy filing (which also involved a request for a refund). *See* File No. 0001898526. Accordingly, Assignee requests relief under this provision of the Commission’s Rules consistent with past practice.

In *Mobile Media Corporation, et al.*, Memorandum Opinion & Order, 14 FCC Rcd 8017, 8027 (1999) (“Mobile Media”), the Commission waived application filing fees under §1.1117 of its Rules associated with the reorganization of a bankrupt paging carrier solely on the fact that its bankruptcy status served as “good cause” for waiver of application filing fees. The Commission also held that “waiver of the fee will serve the public interest by enabling [the carrier] to preserve assets that will accrue to innocent creditors.” *Id.* *See also, Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum Opinion & Order, 10 FCC Rcd 12759, 12762 (1995) (“evidence of bankruptcy or receivership sufficient to establish financial hardship for purposes of waiving of regulatory fees”); *In the Matter of Daniel R. Goodman, Receiver; Dr. Robert Chan, Petition for Waiver of Sections 90.633(c) and 1.1102 of the Commission’s Rules*, Memorandum Opinion and Order, FCC 95-211 (rel. May 24, 1995).

In the present case, Assignee submits that the bankruptcy requires like treatment in the grant of the present waiver request. *See Melody Music, Inc. v. FCC*, 345 F.2d 730, 733 (D.C. Cir. 1965). As set forth above, Licensee gained possession of the licenses as a result of Assignee’s filing for Chapter 11 bankruptcy which resulted in an award of Debtor-in-Possession status. In the absence of a waiver, the parties will be required to pay a total of \$10,510.00 for all

Commission bankruptcy-related applications. This is another financial burden which, based on Commission precedent, should be avoided because of the bankruptcy. As stated above, grant of this waiver would preserve funds better used to sustain operations upon emergence and, as the Commission pointed out in *Mobile Media, supra*, this payment would direct monies from the innocent creditors whose claims are already compromised in the bankruptcy proceedings. Accordingly, Assignee requests grant of a waiver under §1.1117 of the Commission's Rules.

* * * *

III. CONCLUSION

For all of the foregoing reasons, Assignee respectfully requests that the Commission grant this petition for waiver of the fee requirements of §§ 1.1102 and 1.1117(e) of the Commission's Rules in connection with the Application and issue a refund to Assignee in the amount of \$10,510.

Respectfully submitted,

By: _____

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